



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,000	02/20/2002	Anatoli Fomenko	P-6507	I328

24209 7590 07/21/2005

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,000

Applicant(s)

FOMENKO, ANATOLI

Examiner

Etienne P. LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 2/20/2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: BIB DATA SHEET.

DETAILED ACTION

Claim Status

Claims 1-32 are pending. Claims 1-32 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US
2002/0116702 issued to Aptus et al (hereafter Aptus).

Claim 1:

Aptus discloses:

main interfaces defining versioning functionality, said main interfaces allowing
access to the versioning functionality [Fig 20, 610, paragraph 89]

a functional implementation of said main interfaces, said functional implementation
comprising classes [paragraph 93] and libraries [Fig 9, paragraph 79] implementing the
versioning functionality, said classes including a reference to a program module to perform a
requested versioning function [paragraph 93], and

Art Unit: 2161

a user interface for using the versioning functionality [Fig 20, 2002, 2004, 2006, Fig 21, 2102, paragraphs 89, 92 and 93].

Claim 2:

Aptus discloses a communication mechanism implementing client-server functionality [paragraph 89, Fig 20, 2012, 2014]

Claims 3 and 23:

Aptus discloses:

an interface defining versioning server functionality [Fig 20, 2014],
an interface defining versioning client functionality [Fig 20, 2012],
an interface defining versioning repository functionality [Fig 20, 2016],
an interface defining designated directory structures and access to the designated directory structures [paragraph 89, Fig 20, 2007]; and
an interface defining transactions between the designated directory structures [paragraph 89, Fig 20, 2007]

Claims 4 and 24:

Aptus discloses an interface defining file actions within a designated directory structure [paragraph 89]

Claim 5:

Aptus discloses native programming interfaces allowing code written in the object-oriented platform-independent language to operate with code written in a native language [Fig 2, 202, paragraph 48] other than the object-oriented platform-independent language [Fig 2, 200, paragraph 48]

Art Unit: 2161

Claim 6:

Aptus discloses wherein said functional implementation comprises classes and first libraries written in an object-oriented platform-independent programming language [Fig 3, 300, Fig 3, 302, paragraph 50]; and second libraries including software routines written in a native programming language other than the object-oriented platform-independent language, said second libraries implementing said native programming interfaces [Fig 9, paragraph 79]

Claim 7:

Aptus discloses a reference to a first library, said reference being invoked if a requested versioning function is implemented with the object-oriented platform-independent programming language [Fig 3, 300, Fig 3, 302, paragraph 50], and a reference to a native function and a second library, said reference being invoked, using a native programming interface, if a requested versioning function is implemented with the native programming language [Fig 9, paragraph 79]

Claims 8 and 25:

Aptus discloses resource files available to said classes and libraries [paragraph 79]

Claims 9 and 26:

Aptus discloses a class BringoverFrom including a reference to a program module for copying master files stored in a first directory structure and thereby creating a set of working files, and a class BringoverTo including a reference to a program module for storing the set of working files in a second directory structure [paragraph 94]

Claims 10 and 27:

Aptus discloses a class PutbackFrom including a reference to a program module for copying the working files in the second directory stlucture and thereby creating a set of updated

Art Unit: 2161

files; and a class PutbackTo including a reference to a program module for replacing a corresponding set of the master files in the first directory structure with the set of updated files [paragraph 94].

Claims 11 and 28:

Aptus discloses a reference to a program module for receiving a request for replacing the master files with a set of updated files, and checking for a previous replacement of the master files with another set of updated files, a reference to said class PutbackTo; a reference to said class BringoverFrom; and a reference to said class BringoverTo [Fig 9, paragraph 79].

Claim 12:

Aptus discloses wherein said reference to said class Putbackto is invoked if there is no previous replacement of the master files [paragraph 93]

Claim 13:

Aptus discloses wherein said reference to said class Bringoverfrom and said reference to said class Bringoverto are invoked if there is a previous replacement of the master files [paragraph 93]

Claim 14:

Aptus discloses a reference to a program module for creating a writeable copy of a working file stored in the second directory structure; and a reference to a program module for storing the writeable copy to a requested address; and a class Checkin including a reference to a program module for copying the writeable copy of a requested address so as to create an updated working file; and a reference to a program module for replacing the working file with the updated working file [Fig 7, paragraph 54].

Claim 17:

Aptu discloses a graphic user interface and a command line interface [Fig 21].

Claim 18:

Aptu discloses defining versioning functionality in main interfaces of said versioning API [fig 20, 610, paragraph 89]; implementing the versioning functionality in classes [paragraph 93] and libraries [Fig 9, paragraph 79] of said versioning API, the libraries including first libraries written in an object-oriented platform-independent programming language [Fig 2, 200, paragraph 48], and second libraries written in a native programming language [Fig 2, 202, paragraph 48] other than the object-oriented platform-independent language, and providing native programming interfaces allowing code written in the object-oriented platform-independent language to operate with code written in a native language other than the object-oriented platform-independent language, the second libraries including native programming interface implementation [Fig 2, 204, 206]

Claim 19:

Aptu discloses receiving, from a client, a request for a versioning function, calling a class implementing the requested versioning function; invoking a first library from the class, if the requested versioning function is implemented in the first library written in the object-oriented platform-independent program language; and using a native programming interface from the class, so as to invoke a second library if a requested versioning function is implemented in the second library written in a native language other than the object-oriented platform-independent language [paragraph 80].

Claim 20:

Art Unit: 2161

Aptu discloses making a call for a method of a proxy object at the client, the proxy object being associated with a type of versioning transaction; converting the call for a method to a request of the method; transmitting the request to the hosting server; and invoking a servlet at the hosting server to generate a response to the request, the servlet delegating processing of the request to a server object calling a class including the requested method; involving, from the class, the method directly if the requested method is implemented in a first library written in the object-oriented platform-independent program language; and invoking, from the class, the method using a native programming interface if the requested method is implemented in a second library written in a native language other than the object-oriented platform-independent program language [paragraph 94].

Claim 21:

Aptu discloses making a call with a graphic user interface [Fig 21, 2102]

Claim 22:

Aptu discloses making a call with a command line interface [Fig 21, 2002]

Claim 29:

Aptu discloses creating a writeable copy of a working file stored in the second directory structure and storing the writeable copy to a requested address [paragraph 79, Fig 9]

Claim 30:

Aptu discloses copying the writeable copy so as to create an updated working file, and replacing the working file in the second directory with the updated working file [Fig 9, paragraph 79]

Claim 31:

Aptu discloses receive a request fro creating a writable copy of a working file, and checking whether a writeable copy of the working file has already been created [paragraph 79, Fig 9]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aptus in view of US Pat No 6,018,743 issued to Xu.

Claim 15:

Aptus discloses the elements of claims 1, 9 and 10, as noted above but is silent regarding a class lock including a reference to a program module for receive a request for creating as writeable copy of a working files and checking whether a writeable copy of the working file has already been created. Xu discloses a lock mode to define locks such as read locks and write locks [col 21, lines 13-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aptus to include a class lock including a reference to a program module for receive a request for creating as writeable copy of a working files and checking whether a writeable copy of the working file has already been created based on the teaching of Xu for the purpose of controlling the updating of the master file such that the integrity of the master filed is maintained at all times.

Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aptus in view of US Pat No 6,681,382 issued to Kakumani et al (hereafter Kakumani).

Claims 16 and 32:

Aptus discloses the elements of claims 1 and 9 as noted above but is silent regarding a class Freezepoint including a reference to a program for creating freezepoint files for files in a specified directory structure, the freezepoint files storing a specific time stamp and then current version of the corresponding files. Kakumani discloses a file including time stamp and version number [col 2, lines 13-20]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aptus to include a class Freezepoint including a reference to a program for creating freezepoint files for files in a specified directory structure, the freezepoint files storing a specific time stamp and then current version of the corresponding files based on the teaching of Kakumani for the purpose of designating centrally stored files such that they can be easily retrieved [col 2, lines 13-16].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00am – 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

07/15/2005


MOHAMMAD ALI
PRIMARY EXAMINER